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Citizenship challenged. A role for the European Union?

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I will base my reflections about citizenship on the famous and widely debated concept of T. H. Marshall and then embark into a discussion of ways this concept is challenged today by trends which show across the nation states that form the European Union. In connection with each of the challenges I sketch, I will ask what is and possibly can be done by the European Union itself when it comes to citizenship rights. Throughout social citizenship will be the focus of my deliberation

Marshall's concept of citizenship is not only taken up because it is so widely acknowledged but as well because here, the concept of social rights, so topical for social policy, has been put in a much wider framework that touched upon the whole culture and economics of modern industrial societies. Marshall looked with respect to the English example at the mutual linkages in the development of personal, democratic and social rights, of freedom, democracy and social welfare. In his famous essay "Citizenship and Social Class", (1965) written in 1949, citizenship is almost equivalent with the taking shape of individual citizenship rights. In his important and fundamental work he divides these rights into three categories, which he sees as having emerged in England historically in three successive phases: civil or personal rights, that help to defend a person from authoritarian state intervention, especially by independent bodies of justice; political rights as enshrined especially in the democratic rights of the same vote for everyone and finally social rights – as e.g. a basic right on educational and health services as well as social security. Personal and political democratic rights that had been restricted to a part of the nation were gradually extended to others, e.g. women and the working class and social rights alongside with an emerging welfare state had a key role in making these personal and democratic freedom rights more real and accessible for those that lived under less favourable social and economic conditions. The sequence of right-building as pictured by Marshall points to the fact that behind the building of rights there were social, ideological and political movements. Up until today the strength of citizenship rights very

much depends on the active use of citizenship. One should not reduce citizenship then to the “right to have rights” but be aware of the interplay between this development of citizenship rights – passive citizenship” - and the development and characteristics of active citizenship.

Taking this into account, a very first look at the possibilities of the EU to solidify and extent citizenship rights must be a sceptical one. It is well known that the process by which the recent European reform treaty has been decided was a rather elitist one, linked with democratic deficits and created under conditions that are unfavourable for EU-wide democratic rights. There is no Europe-wide public political space for transnational opinion building and the character of EU law making is basically still a bureaucratic and intergovernmental one. Furthermore a lot is missing for a process of creating EU wide social rights. Compared to earlier processes of state building in federal states like the US or Switzerland, the top level of the multilevel system of the EU is not based on a strong feeling of joint commitments as it was the case in the former nation building of federal or confederal states, wherein social rights could be anchored in a longer process at the top for all federal citizens. For social welfare this means e. g., that the EU can not create a central level of redistribution; its household for social affairs altogether makes up for less than one per cent of the EU wide national net product. Furthermore when it comes to another means of rights building, laws and regulative interventions, we should remind the fact that there is an inbuilt asymmetry in the EU process. It is basically about deregulation in favour of creating a transnational European market place. These deregulative consequences of market building with their repercussions on rights and entitlements as they are anchored on national levels have - as Fritz W. Scharpf (1999) and others are pointing out - so far a much stronger impact than the attempts to substitute by new EU wide rights and regulations what is built down on national levels.

Nevertheless I would argue that some single elements for kind of EU wide welfare arrangements take shape, and that they have an effect on citizenship. I will try to show four points, where the classical Marshallian notion of social citizenship rights get challenged and changed and show that at these points EU action is increasing. However, as I will argue, these EU- contributions to legislation, social programs and entitlements do hardly take the form of clear cut citizenship rights.

1. Social citizenship rights for all or for some just as conditional rights ?

For Marshall it was almost clear that the progressive extension of rights in social protection and the consolidation of welfare state institutions would strengthen the self esteem of people as members of one nation, their loyalty towards a legal and democratic order and their ability to stick to shared values and their daily duties against each other in their private and social life.

These clear and simple positive assumptions are much more controversial today. There is a debate about possible negative side effects of the increase of social protection and security. On various sides it is argued, that this long history and logic of extension of social rights has weakened instead of reinforcing what is called nowadays the social capital of democratic societies – peoples' willingness to take responsibility for their families, the living conditions in their neighbourhoods and municipalities. The argument is, that too much rights give a disincentive for self-responsibility and the readiness to support others. However recent international European surveys (van Oorschot / Arts 2005) have claimed that no such negative correlation between increased social rights and peoples moral and civic attitudes can be found; Scandinavian countries e. g.. dispose of both a high level of rights and a high level of social capital. But these findings will surely not end the controversy on the nature of the links between rights and duties (Donati 1996).

Hence the conviction as increased, that a stronger link should be established between rights and duties. While this is debatable as a general idea, it has in reality been used in a very selective manner. The talks about duties has focussed on the weakest members of society and questioned exactly there basic rights on a minimum of respect and resources. This shows in the ways the long term unemployed are treated in the majority of EU countries. Concepts of workfare have made rights on social assistance and a minimum level of income preservation contingent on a catalogue of things, this category of persons has to deliver in exchange: a certain type of conduct, the willingness to take part in systems of conscriptive work activities, and scripts for appropriate actions developed by experts like personal case managers. The broad catalogues of tasks and expectations have introduced for this group a conditionality to personal rights and social citizenship. As Tony Judt, the famous english-american historian of Europe, has noticed, this kind of "welfare reform reopens a distinction between active (or 'deserving') citizens and others" (2007, 24). Long term unemployed that undergo these new practices become kind of second class citizens which is exactly the contrary Marshalls' concept of universal citizenship was aiming at, trying to make people not equal but - as Robert Castel (2005) has formulated – basically more "similar" to each other. I think it is a paradox when it is tried to combat social exclusion by means that deprive the respective persons from inclusive personal rights forcing them towards a special conduct.

Even though there have been many EU documents and conferences in Brussels on exclusion and inclusion, little has been said and done on behalf of the trend to offer occupational programs, training, social advice and support not as a complementary and voluntary empowering support but as a conscriptive set of rules, where non-acceptance is punished with withdrawal of basic income support. Thereby, the crumbling of citizenship is complemented rather than encountered by the concept and programs for "active inclusion" on the EU level.

2. Facing more than inequality: discrimination and the challenge to cope with multiculturalism

One of the reasons, why Marshalls' concept of the development of social citizenship rights seemed to be so convincing, is due to the fact, that it was enrolled against one major obstacle and enemy – socioeconomic injustice. More social rights alongside with generalizing personal and democratic rights should help to make the working classes self confident and loyal parts of an English nation. These workers were natural born English citizens and including them by extending rights meant universalism and integration. Nowadays however, the interplay of rights taking shape and socio-cultural integration is much more complicated.

First of all this has become visible by the issue of gender. Equal political rights are not enough when women have less access to the public world, and the social and economic worlds of paid work and when social institutions and legislation presuppose that they still take the major part of family obligations. Parts of the reactions to this have treated womens' discrimination merely as a problem of late assimilation – as the challenge to pave the way for women to all what men already possess in terms of chances and spaces of income, participation and freedom. The gender issue and questions of discrimination however become more complicated when they are taken as a question of rights on different life perspectives, wherein e. G. both gender have a chance for a better balance of work and life. All this is shurely about redistribution and equality; but it is as well about something more complicated - it is about difference and recognition requested or denied.

Recognition and difference and their relation with redistribution and equality pose a challenge in sometimes more dramatic ways when it comes to multiculturalism. In most European countries, East, Middle and South, the next generation of Turkish foreign workers, Muslim groups, gypsies and national minorities constitute a special challenge. Because here, the issue is not only about extending the same rights in order to reach integration but as well to what degree it needs “group rights” that meet to their claims on staying to some degrees different, socially and culturally; this is e. g. concerning multiculturalism in the educational and health system. The traditional politics of *redistribution*, combating economic inequalities have to co-exist now with these new politics of *recognition* While for a long time citizenship was identical with universal rights to be made accessible to all citizens, today “multicultural citizenship” (Kymlicka 1995) can often be about combating discrimination and negotiating as well special rights to special groups. Tis constitutes an enormous challenge and new divisions of opinion. On the right wing, home-born citizens in the weaker social strata may envy the extra protection of and support for special groups like Turkish minorities or gypsies, while on the left wing engaged liberals fear that special group rights that acknowledge the restriction of rights of individuals in traditional islamic communities are putting

into question the basic consensus on the primacy of individual freedom (Walzer 2004) in the liberal western democracies.

This area, where issues of culture, of personal and democratic citizenship rights largely merge with issues of social citizenship, is from my point of view one of the few, where the EU has already and can as well in the future take a strong action for citizenship. It has done so on behalf of gender, extending the former issue of same rights at the work place to the broader question of “gender mainstreaming”. There are some signs, that EU action and policies can be helpful for minorities like gypsies that see themselves suppressed within their respective member states of the EU. Furthermore, there is already and there will perhaps be more EU-wide action concerning the scope and limits to citizenship rights for refugees and asylum seekers. Multiculturalism and antidiscrimination policies are a field, where the EU can clearly take action in matters of citizenship (Preuss 1998).

3. From social protection to social investments. What do changing politics of welfare do to social citizenship?

The phase of transition, the European welfare states are in, is captured just partially in terms of less state and cuts in welfare expenditure. A stronger impact of competitive and economic rationales throughout in societies under the pressure of globalization makes itself felt as well in a changing approach to social policy. In this respect, the orientation towards a “social investment state” is a key issue. Giddens has used it first in 1998. For him it is basically an approach that turns the welfare state into an entrepreneur. Those parts of social policy, that have the strongest effects on economic growth get priority and may even expand: investments in human capital, like spending for education, pro-natalist and family policies, that increase the labour market participation of qualified female labour force. Especially in this respect Esping-Andersen (2002) has argued for a strategy of social investment as a Europe-wide panacea against the sclerosis of its traditional welfare models.

With an eye on citizenship and social rights, such an approach can mean that entitlements develop in more selective and asymmetric ways. Contrary to the push for rights towards day care services and better education, those rights may make less progress that are concerning groups and goals without positive economic by-effects, like security in old age or elderly care. Furthermore, once education and care for children is seen only from the aspect of making an investment in the citizen-workers of the future (Lister 2003) the search for the best possible economic effect may harm issues of rights in terms of equity goals in education. While the aims of universal rights on security and more equal chances in the Marshall-perspective called for a redistributive policy and a counterweight to

market forces, social investment policies may well translate economic into social policy priorities

The shift from a welfare tradition, marked by an orientation towards universal protection against the risks of the market system, to a kind of concept that conceives social policy more as a way to invest in peoples capabilities for acting on markets, into targeted and selective programs is as well deeply rooted in the EU discourse. The Lisbon Agenda from March 2000 declared that modernising the European social model, investing in people and combating social exclusion should be one of the main means for making the EU “the most competitive and dynamic knowledge-driven economy by 2010”. This base line of common orientation may indeed set free future bigger EU investments e. g. into education and training systems or child care services. However such investments will be far from consolidating universal citizenship and much nearer to conditional limited offers that stimulate competition. More of this type of EU welfare entitlements does not automatically mean an extension of EU-based social citizenship.

4. Civic associations as corporate citizens.

The fourth and final point for a tentative post-Marshall agenda on citizenship is concerning the role of civil society. Civil society organisations had always a strong role in bringing about practices and discourses that create an aspiration for rights, in cultivating a certain notion of rights and responsibilities that is the cultural and political fundament for citizenship. Now in the history of European civil societies in East and West (Kocka 2000) the workers’ movement – Marshalls’ point of reference when speaking of “industrial citizenship” - has lost its unique and dominating role and a number of other movements have come to the surface – the feminist movement, ecological movements and finally various kinds of consumer movements. The latter reflect, that social rights must increasingly be phrased in terms of consumer rights to the degree the preservation of public goods goes by private providers.

While Marshall thought citizenship rights predominantly in individual terms, the issue has as well a collective side. There is a long history which goes from the struggles for rights to associate freely, on to the rights to strike for trade union associations over to all those rights, that give third sector organisations a special status – when it comes to the rights of an environmental group to make a case before a court concerning threatened ecological goods.

Another important aspect of rights of associations is concerning their social and economic dimensions. Associations in the civil society, that may have been related either to the church, the labour movement or the bourgeois classes and which contributed to the public good by charity, voluntary action, foundations, or economic self help through cooperatives and mutuals, where supported by state-

guaranteed grants, tax-exemptions and special status. The tradition of subsidiarity, that is especially strong in some member states of the European Union, created a special right-based status for groups that mobilized support for the weak members of society; to the degree they mobilized own solidarity resources, this became matched with state support. Up until today the vast and multiform “third sector” is one of the socioeconomic pillars of European models of welfare arrangements (Evers / Laville 2004), an element of its social model.

Now what about the present role and practice of the EU on behalf of the challenges linked with what I would like to call the “corporate citizenship” of third sector organisations? So far one can say that the practices of the EU constitute a kind of half way acknowledgement. While civic associations are acknowledged as interest organisations, they get completely denied as special kinds of socioeconomic providers of services

As far as the rights and the status of civic associations as lobbies, interest organisations and advocacy groups in Brussels are concerned, there is an increasing practice to invite organisations like Solidar or the Social Platform, that represent hundreds of national associations in the field of welfare to kind of civil dialogues, like in a recent “Agora”, organized with representatives from the European parliament, where about 400 representatives of civic associations took part. So far, so good.

Contrary to that, all documents of the EU, that deal with social services of general interest and questions of state intervention in this field by regulations or subsidies to private providers consciously avoid to make any difference between private-for-profit and private-not-for-profit providers. The EU calls for treating both the same way when it comes to conceive their link with public authorities. It neither formulates tasks nor does it offer strategies with respect to the question how to support civic initiatives with a socioeconomic purpose of creating services. Yet on the other hand the EU sees them as front runners when it comes to social action in trouble areas. In this perspective the EU denies as well any support to the principle of subsidiarity to which it is referring only in terms of finding the rights order for multilevel state government.

Summing up one could say, that realistically the EU can and may perhaps be an instance that helps to get clearer about the “corporate citizenship” of civic associations. It offers an additional level for their advocacy and for funding their operations in social trouble fields where state and for profit action do not reach. At the same time, it is however in the name of unrestricted and fair market competition denying the role of civic associations as representatives of a different economy of services and the legacy of subsidiarity as a special concept of interrelating organized state-public and social responsibilities.

7. Conclusion

For a long time, continuity, increasing levels of prosperity and the extension of democracy have backed somehow the evolutionary perspective of a joint development of personal, democratic and social rights once sketched out by Marshall. Since some decades however, beyond issues of “more” or “less” the very character of citizenship rights in general and especially of social citizenship rights is challenged and changing. I have demonstrated this in four key areas. With respect to the EU I have argued, that even when and where it takes more action in social matters, this does not mean that such a plus of social action creates as well a plus in terms of social citizenship rights. This has been exemplified with a view to EU programs for the long term unemployed and excluded, what the commission now calls active inclusion, as well as with an eye on further social investments serving the Lissabon aim of making the EU more competitive. Prospects are better with respect to issues of discrimination on the one hand and the corporate citizenship of third sector organisations, where the EU level may offer new means and rights. Altogether my contribution can as well be read as a warning. The turns and troubles of national policies and their negative effects can seldom be counterbalanced by EU politics, creating an EU-wide citizenship, while nationally embedded citizenship rights are crumbling.

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